

**REMARKS**

**A. The Section 103 Rejections**

Claims 1-25 were once again rejected under 35 U.S.C. §103(a) based on U. S. Patent Publication No. 2003/0063613 to Carpini et al (“Carpini”) in combination with U.S. Patent No. 6,895,008 to Enoki et al (“Enoki”). Applicant disagrees and traverses these rejections for at least the following reasons.

Each of the claims of the present invention includes the feature of, among other things, the use of a switch-over message to re-route traffic traveling along a bi-directional LSP. Neither Carpini nor Enoki discloses or suggests the use of such a switch-over message.

As the Applicant presently understands the Examiner’s position, the Examiner relies upon Carpini for the disclosure of the claimed switch-over message.

Contrary to the Examiner’s position, however, Carpini does not disclose the claimed switch-over message. In the Final Office Action the Examiner appears to abandon earlier reliance on paragraph 47, lines 15-19 of Carpini. Instead, the Examiner now appears to rely on paragraphs 14 and 51 of Carpini. In more detail the Examiner takes the position that Carpini’s use of the term “re-routing” in paragraph 14 and “divert” in paragraph 51 can be interpreted as disclosing the claimed “switch-over message”. Applicant respectfully disagrees.

Notwithstanding the fact that Carpini uses these two terms, the question remains: how does Carpini re-route or divert data? The mere fact that Carpini

uses these two terms does not indicate that Carpini's re-routing or diversion makes use of the claimed switch-over messages; in fact it does not.

As the Applicant has explained in a previous response, Carpini discloses the detection of a "fault indication" message. It is completely silent with respect to the use of a switch-over message to re-route data along a bi-directional LSP in a backward direction to an alternate path. Paragraph 51 cited by the Examiner illustrates Carpini's silence.

In preceding paragraph 50 Carpini explains that a second switching router 7 "is responsible for redirecting data traffic....onto the secondary path in response to a fault on the...primary path between itself [the router 7] and [an] additional switching router 29. The additional switching router 29 is adapted to recognize...diverted data and to route the data from the secondary path back onto the primary path." Thereafter, in paragraph 51 Carpini uses the term "divert" to describe the diversion of data in paragraph 50. However, nowhere in paragraph 50 is a switch-over message discussed or implied. In fact, it appears from paragraph 50 that router 29 is capable of detecting diverted data and routing it back to a primary path without using a switch-over message.

In sum, though claims may be interpreted broadly, any interpretation must be reasonable in light of the specification, *In re Hyatt*, 54 USPQ2d 1664, 1667 (Fed.Cir. 2000) and the Examiner's interpretation of the terms "divert" or "re-routing" as used in Carpini as having the same or similar meaning as the claimed switch-over message is unreasonable.

Because the combination of Carpini and Enoki does not disclose or suggest the claimed switch-over message, the Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-25.

**B. Entry of Request for Reconsideration**

Entry of this Request for Reconsideration ("Request") is solicited because the Request: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further search and/or consideration; (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

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**ATTACHMENT FOR SPECIFICATION AMENDMENT**  
**REPLACEMENT PARAGRAPH**  
**MARKED-UP VERSION**

**[0003]** Existing MPLS Fast Re-routing techniques are effective in re-routing MPLS labeled traffic in an LSP acting independently relative to other LSPs. However, when LSPs are bundled together to operate in two directions, such as in bi-directional LSPs disclosed in U.S. Patent Application No. 10/613,104 [[----- filed concurrently with the present application]], MPLS Fast Re-routing does not perform well.